

REMARKS

Claims 1-6, 17, 18, 24-30, and 38 are pending in the Application. The Office Action dated April 10, 2007 in this Application has been carefully considered. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 17 and 18 have been amended in this Response. Claims 7-16, 19-23 and 31-37 previously withdrawn from consideration have been cancelled in this Response without prejudice to subsequent submission in a divisional application. Claims 1-6, 24-30, and 38, have been determined by the Examiner to be in condition for allowance. Applicant thanks the Examiner. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks for those Claims not in condition for allowance.

Claims 17 and 18 stand rejected under 35 U.S.C. § 102(e) by U.S. Patent No. 6,384,353 to Huang et al. ("Huang"). In light of the amendments submitted herewith, Applicant respectfully submits that the rejection has been overcome. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Rejected independent Claim 17, as now amended, more particularly recites one of the distinguishing characteristics of the present invention, namely, "[a] method of operation of a temperature-independent microscopic switch, comprising: actuating a micromechanical beam; and limiting movement of the beam with a tether attached to the beam at a point different than an attachment point for an anchor." (Emphasis added.) Support for this Amendment can be found, among other places, FIG. 1, and the description of FIG. 1 in the Specification of the original Application.

Regarding Claim 17, Huang was cited as assertedly fully disclosing a method of operation of a microscopic switch, comprising: (1) engaging the switch; (2) signal transmission through the

switch once engaged; (3) disengaging the switch once the signal is transmitted; (4) preventing of warping of a flexible beam that is configured to at least operate as a throw arm once the temperature-independent microscopic switch is engaged by restraining upward warping movement of the flexible beam from a non-engaged position while permitting downward movement of the flexible beam to a sufficient degree to allow engaging the switch.

However, Huang does not suggest, teach, or disclose limiting movement of a beam with a tether attached to the beam at a point different than an attachment point for an anchor. Page 3 of the Office Action is cited for element 150 in FIG. 5 of Huang, alleging that element 150 “limits upward movement of the beam...” Instead, Huang teaches that element 150 is a “protective cap” used for a “sealing or protective function ...” Huang, Col. 4, lines 1-10. Therefore, Applicant respectfully asserts that Huang does not anticipate Claim 17.

In view of the foregoing, it is apparent that the cited reference does not anticipate the unique combination now recited in amended Claim 17. Applicant therefore submits that amended Claim 17 is clearly and precisely distinguishable over the cited reference in a patentable sense, and is therefore allowable over this reference and the remaining references of record. Accordingly, Applicant respectfully requests that the rejection of amended Claim 17 under 35 U.S.C. § 102(e) by Huang be withdrawn and that Claim 17 be allowed.

Claim 18 depends from and further limits Claim 17. Hence, for at least the aforementioned reasons, this Claim should be deemed to be in condition for allowance. Applicant respectfully requests that the rejection of dependent Claim 18 also be withdrawn.

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 17 and 18.

Applicant hereby requests an extension of time for making this reply and hereby authorizes the Director to charge the required fee to Deposit Account No. 50-0605 of CARR LLP. Applicant does not believe that any other fees are due; however, in the event that any fees are due, the Director is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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